STATUTORY INSTRUMENTS

2000 No. 693

LEGAL SERVICES, ENGLAND AND WALES

The Access to Justice (Membership Organisations) Regulations 2000

Made - - - - -	*9th March 2000*
Laid before Parliament	*10th March 2000*
Coming into force - -	*1st April 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 30(1) and (3) to (5) of the Access to Justice Act 1999(**a**) and all other powers enabling him hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Access to Justice (Membership Organisations) Regulations 2000.

(2) These Regulations come into force on 1st April 2000.

Bodies of a prescribed description

2. The bodies which are prescribed for the purpose of section 30 of the Access to Justice Act 1999 (recovery where body undertakes to meet costs liabilities) are those bodies which are for the time being approved by the Lord Chancellor for that purpose.

Requirements for arrangements to meet costs liabilities

3.—(1) Section 30(1) of the Access to Justice Act 1999 applies to arrangements which satisfy the following conditions.

(2) The arrangements must be in writing.

(3) The arrangements must contain a statement specifying—

(a) the circumstances in which the member or other party may be liable to pay costs of the proceedings,

(b) whether such a liability arises—

(i) if those circumstances only partly occur,

(ii) irrespective of whether those circumstances occur, and

(iii) on the termination of the arrangements for any reason,

(c) the basis on which the amount of the liability is calculated, and

(d) the procedure for seeking assessment of costs.

(4) A copy of the part of the arrangements containing the statement must be given to the member or other party to the proceedings whose liabilities the body is undertaking to meet as soon as possible after the undertaking is given.

(**a**) 1999 c. 22.

Recovery of additional amount for insurance costs

4.—(1) Where an additional amount is included in costs by virtue of section 30(2) of the Access to Justice Act 1999 (costs payable to a member of a body or other person party to the proceedings to include an additional amount in respect of provision made by the body against the risk of having to meet the member's or other person's liabilities to pay other parties' costs), that additional amount must not exceed the following sum.

(2) That sum is the likely cost to the member of the body or, as the case may be, the other person who is a party to the proceedings in which the costs order is made of the premium of an insurance policy against the risk of incurring a liability to pay the costs of other parties to the proceedings.

Irvine of Lairg, C

9th March 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Access to Justice Act 1999 applies where a body of a description to be specified in regulations undertakes (in accordance with arrangements satisfying conditions to be so specified) to meet liabilities which members of the body or other persons who are parties to proceedings may incur to pay the costs of other parties. Regulation 2 of these Regulations specifies bodies which are for the time being approved by the Lord Chancellor for this purpose. Regulation 3 specifies the conditions which the arrangements must satisfy.

Under section 30(2) of that Act an additional amount may be included in costs payable to a member of such a body or other person to cover insurance or other provision made by the body against the risk of having to meet those liabilities of the member or other person. Under section 30(3) of that Act that additional amount must not exceed a sum determined in a way specified by regulations. Regulation 4 of these Regulations specifies that sum as the likely cost to the member or other person of the premium of an insurance policy against the risk in question.

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